

**ENTERED**

January 17, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

REAGAN JAMES CALDWELL,

Plaintiff,

VS.

COREY FURR, *et al*,

Defendants.

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CIVIL NO. 2:16-CV-00456

**ORDER**

Plaintiff Reagan James Caldwell (“Caldwell”) is a Texas inmate who filed this civil rights action pursuant to 42 U.S.C. § 1983 on October 28, 2016. Dkt. No. 1. Caldwell’s original complaint alleges claims of excessive force, deliberate indifference to health and safety, failure to protect, and retaliation against Defendants Corey Furr (“Furr”); James A. McKee (“McKee”); Derek Garza (“Garza”); Cheryl Perales (“Perales”); Fernando Martinez, Jr. (“Martinez”); Felisha-Ana Antu (“Antu”); Jessica De Los Santos (“Santos”); and Adriana L. Cano (“Cano”), individually and in their official capacities. Dkt. No. 1. On January 25, 2017, Caldwell submitted a pleading entitled “Amended Complaint” in which he raises additional allegations related to his claims against Furr and McKee. Dkt. No. 11.

The Court has before it Caldwell’s complaints, Dkt. Nos. 1, 11; the February 6, 2017, Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred pursuant to 28 U.S.C. § 636(b), Dkt. No. 12; Garza, Martinez, and Perales’s March 23, 2017, partial motion to dismiss, Dkt. No. 16; Santos’s May 16, 2017, motion to dismiss, Dkt. No. 26; and the Magistrate Judge’s September 26, 2017, M&R, Dkt. No. 29. The deadline to file objections to the Magistrate Judge’s proposed conclusions of law and recommendations has passed, and the docket sheet shows that no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); FED. R. CIV. P. 72(b)(2) (same); *see also* Dkt. No. 12 at 13; 29 at 11 (advising parties of the 14-day deadline).

After independently reviewing the record and considering the applicable law, the Court adopts the February 6, 2017, and September 26, 2017, M&R proposed conclusions and recommendations. The Court hereby **DISMISSES WITHOUT PREJUDICE** Caldwell's claims against Furr, McKee, Antu, and Cano. The Court further **GRANTS** the motions to dismiss with regard to Caldwell's claims for money damages against Garza, Martinez, Perales, and Santos in their official capacities. Dkt. Nos. 16, 26. The Court **DISMISSES WITH PREJUDICE** these money damages claims. *Id.* The Court further **DENIES** the motions to dismiss with regard to Caldwell's deliberate indifference claims against Perales and Santos.

SIGNED this 17th day of January, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', is written over a horizontal line.

Hilda Tagle  
Senior United States District Judge